REMARKS

Claims 1-10 are pending in the application. Applicants amend claims 1 and 4 for further clarification, and refer to Figs. 9-10 and their corresponding description—including page 20, lines 5-15 and page 20, line 35 to page 21, line 9—of the specification for exemplary embodiments of and support for the claimed invention. No new matter has been added.

Claims 1, 3-8, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,137,604 to Bergano in view of U.S. Patent Application Publication No. 2001/0048540 to Konishi, and further in view of International Patent Application Publication No. WO 02/30026 to Tomofuji et al. (I); claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergano, Konishi, Tomofuji et al. (I), and further in view of U.S. Patent Application Publication No. 2002/0149818 to Tomofuji et al. (II); and claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergano, Konishi, Tomofuji et al. (I), and further in view of U.S. Patent Application Publication No. 2002/0196520 to Marom et al. Applicants amend claims 1 and 4 in a good faith effort to clarify the invention as distinguished from the cited references, and respectfully traverse the rejections.

The Examiner, again, maintained the rejections based principally on Konishi, Tomofuji et al. (I), and Bergano.

And Applicants, again, respectfully submit that it would not have been obvious to one skilled in the art to combine the cited references in the manner proposed by the Examiner, and that the Examiner has failed to establish a prima facie case of obviousness in clearly using the claimed invention as a blueprint in combining the disparate features of the cited references to reject the claims based on improper hindsight.

Once again, Bergano describe passively splitting multiplexed signals to respective "N distinct **bands**" with center wavelengths $\lambda_1..\lambda_N$ for respective dispersion compensation. In other words, Bergano itself already describes a technique for splitting signals for dispersion compensation, and the alternative parameters—e.g., bit rate—for "switching" demultiplexed wavelengths described in Tomofuji et al. (I) are incongruous with the technique described in Bergano. And furthermore, Bergano, as cited and relied upon by the Examiner—and correspondingly, the proposed combination of references—only describes dispersion compensation for respective **wavebands**. For example, Fig. 5 of Bergano illustrates signals from "wavelength routing device 503" being separated signals into two **wavebands**, low band and high band, for respective dispersion compensation through fibers 504 and 505. Please see col. 5, lines 29-55 of Bergano. And the remaining disclosure of Bergano consistently describes embodiments of dispersion compensation for an N number of output **bands**.

In an Advisory Action dated October 1, 2008, the Examiner maintained that Bergano describe a center wavelength for each respective waveband discussed above, and thus, allegedly suggest the claimed wavelength features. Applicants, again, respectfully submit that the cited disclosure from Bergano describe an alternative technique for dispersion compensation by N wavebands, and, therefore, does not provide any motivation, suggestion, or objective reason to be altered and combined with Konishi and Tomofuji et al. (I) to meet the claimed wavelength features absent improper hindsight from the claimed invention itself.

And again, even assuming, arguendo, that it would have been obvious to one skilled in the art to combine Bergano, Konishi, and Tomofuji et al. (I) at the time the claimed invention was made, such a combination would have, at most, suggested having a same dispersion compensation for multiple respective bit-rate-"switched" demultiplexed signals in respective

"wavebands" or "output bands," and would still have failed to disclose or suggest the claimed features of switching routes of demultiplexed wavelengths and setting at least one dispersion value for a respective demultiplexed wavelength to an optimal value in accordance with a transmission path length at a time a transmission path is switched for the demultiplexed wavelength.

Accordingly, Applicants respectfully submit that claim 1, together with claims 3, 5-8, and 10 dependent therefrom, is patentable over Bergano, Konishi, and Tomofuji et al. (I), separately and in combination, for at least the above-stated reasons. Claim 4 incorporates features that correspond to those of claim 1 cited above, and is, therefore, patentable over the cited references for at least the same reasons. The Examiner relied upon Tomofuji et al. (II) and Marom et al. as combining references to specifically address additional features recited in claims 2 and 9, respectively, which depend from claim 1. As such, further combinations with these references would still have failed to cure the above-described deficiencies of Bergano, Konishi, and Tomofuji et al. (I), even assuming, arguendo, that such further combinations would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicants respectfully submit that claims 2 and 9, which depend from claim 1, are patentable over the cited references for at least the foregoing reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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DTC:tb